No. 504. 164.

Motion Papers for Appellee.

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In the Supreme Court of the United States.

OCTOBER TERM, 1896.

WILLIAM P. CRAIGHILL ET AL., appellants,
v.
AVERILLA LAMBERT ET AL. } No. 504.

MOTION TO ADVANCE.

In the Supreme Court of the United States.

OCTOBER TERM, 1896.

WILLIAM P. CRAIGHILL ET AL., appellants, v. AVERILLA LAMBERT ET AL. } No. 504.

MOTION TO ADVANCE.

Under the provisions of the *Act of February 27, 1890*, chapter 1001 (26 Stat. L., 492), entitled "An act authorizing the establishing of a public park in the District of Columbia," the appellants here were appointed a commission to select land for the Rock Creek Park, in the District of Columbia. In carrying out the provisions of the act, which directs the commission after having ascertained the cost of the land to be taken for the park, etc., to assess a proportion of such cost upon "lands, lots, and blocks" especially benefited by reason of the location and improvement of the park, the commission was met with a bill for an injunction filed by the appellees here in the Supreme Court of the District of Columbia to restrain them from making the assessment as provided by section 6 of the act. To the injunction bill a demurrer was

interposed and sustained, with leave to renew the application at a later stage of the proceedings of the commission. On a subsequent supplemental bill renewing the original averments the court granted an injunction *pendente lite*, which was afterwards made perpetual. On appeal to the Court of Appeals the decision below was affirmed.

The principal questions involved in the appeal are whether Congress has power to impose taxes on land in the District of Columbia by way of assessments for special benefits accruing to such land by reason of the expenditure of public funds for works of public utility; and, second, whether the act above referred to is a valid exercise of such power.

As there has been expended in the enterprise of providing a public park in the District of Columbia more than $1,000,000, and as there is general public interest in the determination of these questions as affecting large quantities of land, it is respectfully suggested that the case is one which should be determined during the present term of this court.

The Solicitor-General therefore respectfully moves the court to advance the case on the docket, and set it down for hearing on such day as may be convenient to the court.

Notice of this motion has been given to opposing counsel.

HOLMES CONRAD,
Solicitor-General.